

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JAMES MOLPUS,

Plaintiff(s),

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant(s).

CASE NUMBER: 05-73091

HON. VICTORIA A. ROBERTS

ORDER ADOPTING REPORT AND RECOMMENDATION
OF THE MAGISTRATE JUDGE

On April 17, 2006, Magistrate Judge R. Steven Whalen submitted a Report and Recommendation [**Doc. 17**] recommending that the Court: (1) deny Defendant's Motion for Summary Judgment [**Doc. 12**]; and, (2) grant Plaintiff's Motion for Summary Judgment [**Doc. 8**] remanding the case for further hearings. Because the Court did not receive objections from either party within the time frame provided for in 28 U.S.C. § 636(b)(1) and E.D. Mich. LR 72.1(d)(3), the Court adopts the Magistrate Judge's Report and Recommendation. The Court, therefore: (1) **DENIES** Defendant's Motion for Summary Judgment; (2) **GRANTS** Plaintiff's Motion for Summary Judgment; and (3) **REMANDS** for further hearings.

IT IS SO ORDERED.

S/Victoria A. Roberts

Victoria A. Roberts

United States District Judge

Dated: May 5, 2006

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on May 5, 2006.

S/Carol A. Pinegar _____
Deputy Clerk